



STATE OF WASHINGTON
PUBLIC DISCLOSURE COMMISSION

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BEFORE THE PUBLIC DISCLOSURE COMMISSION
OF THE STATE OF WASHINGTON

IN THE MATTER OF ENFORCEMENT)	PDC CASE NO: 06-297
ACTION AGAINST)	
)	Notice of Administrative
Mac Setter)	Charges
)	
Respondent.)	
)	

IT IS ALLEGED as follows:

I. JURISDICTION

1. The Commission has jurisdiction over this proceeding pursuant to Chapter 42.17 RCW, the Public Disclosure Act; Chapter 34.05 RCW, the Administrative Procedure Act; and Title 390 WAC. These charges incorporate the Report of Investigation and all of its exhibits by reference.

II. ALLEGATIONS

2. Mac Setter, a candidate for Whatcom County Superior Court Judge in the 2004 primary and general elections, violated RCW 42.17.080 and .090:

- a. By failing to timely file nine C-4 reports totaling \$56,985 in contributions and \$54,593 in expenditures. The reports were filed between 7 and 458 days late.
- b. By failing to timely file 11 C-3 reports totaling \$56,960 in contributions. The reports were filed between 22 and 473 days late.

III. FACTS SUPPORTING ALLEGATIONS

3. Mac Setter was a candidate in the September 14, 2004 primary election and the November 2, 2004 general election for Superior Court Judge in Whatcom County. Mr. Setter selected the full reporting option which requires frequent and detailed reports of contribution and

expenditure activities. For the 2004 campaign, Mr. Setter had a campaign Treasurer, Brian Halverson. Mr. Setter registered as a candidate on March 25, 2004. He first electronically filed C-3 and C-4 reports on August 16, 2004. He then filed on September 21, 2004 and October 19, 2004. He did not file again until January 27, 2006.

4. The following is a summary of Mr. Setter's required C-4 reports showing contributions received and expenditures made that were not timely filed, the date they were due, the date they were filed, the number of days they were late, and the amount of money not reported timely. Mr. Setter filed C-4 reports for specific calendar months, and did not separate his reports into the required pre-election reporting periods.

C-4 Reports Primary – 9/14/04 General – 11/2/04	Due Date	Date Filed	Days Late	Amount of Contributions and/or Expenditures
March 2004	4/12/04	8/16/04	126	(C) \$15,002 (E) \$12
April 2004	5/10/04	8/16/04	98	(C) \$2,592 (E) \$314
May 2004	6/10/04	8/16/04	67	(C) \$375 (E) \$3,519
June 2004	7/12/04	8/16/04	35	(C) \$457 (E) 2,462
21-Day Pre-Primary	8/24/04	9/21/04	28	(C) \$15,800 (E) \$15,597
7-Day Pre- Primary(Partial Report)	9/7/04	9/21/04	14	(C) \$1,307 (E) 287

7-Day Pre-Primary(Partial Report)	9/7/04	10/19/04	42	(E) \$4,687
21-day Pre-General C-4	10/12/04	10/19/04	7	(E) \$2,066
7-Day Pre-General C-4	10/26/04	1/27/06	458	(C) \$21,152 (E) \$25,301
Post Election C-4	12/10/04	1/27/06	413	(E) \$348
December 2004 C-4	1/10/05	1/27/06	382	(C) 200
February 2005 C-4	3/10/05	1/27/06	323	(C) \$100

5. The late filed C-4 reports totaled \$56,985 in contributions and \$54,593 in expenditures. The reports were filed between 7 and 458 days late. Expenditures totaling \$20,571, that were required to be reported 21 and 7 days before the primary election, were not reported until after the primary. Expenditures totaling \$25,301, that were required to be reported 7 days before the 2004 general election, were not reported until January 27, 2006. These late-reported primary and general election expenditures totaled \$45,872 and accounted for 80 percent of Mr. Setter's total campaign expenditures.

6. The following is a summary of Mr. Setter's required C-3 reports showing contributions received that were not timely filed, the date they were due, the date they were filed, the number of days they were late, and the amount of money not reported timely:

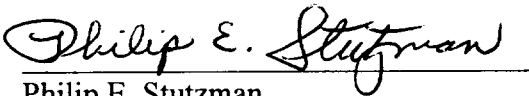
C-3 Reports – Deposit Dates	Due Date	Date Filed	Days Late	Amount of Contributions
3/31/04	4/12/04	8/16/04	126	(C) \$15,000 (Candidate funds)
4/27/04	5/10/04	8/16/04	98	(C) 2,585
5/13/04	6/10/04	8/16/04	67	(C) 375
6/17/04	7/12/04	8/16/04	35	(C) \$450
8/10/04	8/16/04	9/21/04	36	(C) \$800
8/11/04	8/16/04	9/21/04	36	(C) \$15,000 (Candidate funds)
8/26/04	8/30/04	9/21/04	22	(C) \$1,300
10/8/04	10/11/04	1/27/06	473	(C) \$20,000 (Candidate funds)
10/8/04	10/11/04	1/27/06	473	(C) \$1,150
12/7/04	1/10/05	1/27/06	382	(C) \$200
2/14/05	3/10/05	1/27/06	323	(C) \$100

7. The late filed C-3 reports totaled \$56,960 in contributions and were reported between 22 and 473 days late. Contributions totaling \$17,100, that were required to be reported before the primary election, were not reported until after the primary. Contributions totaling \$21,150, that were required to be reported before the general election, were not reported until January 27, 2006. These late-reported primary and general election contributions totaled \$38,250 and accounted for 67 percent of Mr. Setter's total campaign contributions.

IV. RELEVANT LAW

8. RCW 42.17.080 and .090 require candidates to file timely, accurate reports of contributions and expenditures. Reports of contributions and expenditures are required monthly except for special reports due 21 and 7 days before the primary and general elections. In addition, detailed reports of contributions received must be filed for each bank deposit. These reports must be filed monthly until the fourth month before the election when detailed contribution reports are required weekly.

RESPECTFULLY SUBMITTED this 16th day of May, 2006.



Philip E. Stutzman
Director of Compliance